

## PATENT

### REMARKS/ARGUMENTS

Claims 1-4, 6-15, 17-24, 26-29, 39-43 and 46-48 were previously pending in this application. By this amendment, claims 1, 10, 12, 21, and 29 have been amended, and claims 39 – 43 have been canceled. Applicant respectfully requests reconsideration of the present application based on the following remarks.

#### *Examiner Interview*

Applicants would like to thank the Examiner for extending the courtesy of a telephone interview to Applicants' representative. During the interview, Applicants' representative explained to the Examiner that Kolev does not disclose user-defined permission information. The Examiner requested that Applicants file a formal response for further consideration.

#### *Rejection under U.S.C. § 102(b)*

Claims 1-4, 9-15, 20-24, 29, and 46-48 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,125,283 to Kolev et al. (hereinafter, "Kolev"). To the extent the rejections remain applicable to the claims currently pending, Applicants traverse these rejections as follows.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131 (*citing Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Id.* (*citing Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, "the reference must be enabling and describe the applicant's claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention." *In re Paulsen*, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

With respect to independent claim 1, Kolev does not disclose or suggest a method including, at least,

accessing, for each of the plurality of communications networks, user-defined permission information and comparing the dialing string to the user-

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defined permission information to determine if the call is allowed or is not allowed on each of the identified communications networks; and

originating the call on a respective one of the plurality of communications networks if the call was determined to be allowed on the respective one of the plurality of communications networks,

wherein the user-defined permission information comprises at least one of an allowed phone number and a blocked phone number

With respect to independent claim 10, Kolev does not disclose or suggest a method including, at least,

accessing, for each of the plurality of communications networks, user-defined permission information and comparing the dialing string to the user-defined permission information to determine if the call is allowed or is not allowed on each of the identified communications networks; and

preventing the call from being originated on a respective one of the plurality of communications networks if the call was determined to be not allowed on the respective one of the plurality of communications networks

wherein the user-defined permission information comprises at least one of an allowed phone number and a blocked phone number.

With respect to independent claim 12, Kolev does not disclose or suggest a computer readable media embodying a program of instructions executable by a processor to perform a method of communications, the method including, at least,

accessing, for each of the plurality of communications networks, user-defined permission information and comparing the dialing string to the user-defined permission information to determine if the call is allowed or not allowed on each of the identified communications networks; and

originating the call over a respective one of the plurality of communications networks if the call is determined to be allowed on the respective one of the plurality of communications networks, and preventing the call from being originated if the call is determined not to be allowed on the respective one of the plurality of communications networks

wherein the user-defined permission information comprises at least one of an allowed phone number and a blocked phone number.

With respect to independent claim 21, Kolev does not disclose or suggest a communications device including, at least,

a processor configured to: ...

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access, for each of the plurality of communications networks, the user-defined permission information and compare the dialing string to the user-defined permission information to determine if the call is allowed or not allowed on each of the identified communications networks;

originate the call over a respective one of the plurality of communications networks if the processor determines that the call is allowed on the respective one of the plurality of communications networks; and

prevent the call from being originated over the respective one of the plurality of communications network if the processor determines that the call is not allowed on the respective one of the plurality of communications networks

wherein the user-defined permission information comprises at least one of an allowed phone number and a blocked phone number.

With respect to independent claim 29, Kolev does not disclose or suggest a communications device including, at least,

means for accessing, for each of the plurality of communications networks, the user-defined permission information and comparing the dialing string to the user-defined permission information to determine if the call is allowed or not allowed on each of the identified communications networks;

means for originating the call over a respective one of the plurality of communications networks if the call is determined to be allowed on the respective one of the plurality of communications networks; and

means for preventing the call over the respective one of the plurality of communications networks if the call is determined not be allowed on the respective one of the plurality of communications networks

wherein the user-defined permission information comprises at least one of an allowed phone number and a blocked phone number.

As explained in Applicant's response of August 19, 2008, in contrast to the recited subject matter, which bases originating and/or preventing a call on determining if a *call* is *allowed or not allowed according to a comparison of the dialing string to user-defined permission information for each of a plurality of communication networks supported by a communication device*, Kolev is instead concerned with "allowing the greatest possible service availability when the subscriber identity in at least one of the network modes is invalid." Kolev, Abstract, lines 4-6. In response to Applicant's previous argument, the Examiner asserts that Kolev provide "more than adequate support" and has cited additional portions of Kolev which allegedly disclose the above-identified features. However, neither the newly cited portion nor

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any other Kolev passage discloses or even suggests comparing user-defined permission information to a dialing string to determine whether or not a call is allowed for each of a plurality of communication networks. Rather, Kolev is concerned with whether or not a user has a valid identification and is able to communicate over a particular network based on “knowledge of communications network supported service levels” (see Kolev, Abstract, lines 1 – 3). That is, the service levels supported by the network indicate whether or not a user is able to communicate via the network. This has nothing to do with user-defined permission information.

There is no mention or hint by Kolev that it would be desirable to determine if a call is allowed or not allowed according to user-defined permission information. As such, Kolev is silent with respect to the recited subject matter.

Moreover, even if Kolev could somehow be interpreted as broadly disclosing user-defined permission information (though Applicants submit that no such interpretation exists), Kolev does not disclose or even suggest user-defined information comprising at least one of an allowed phone number or a blocked phone number. In reference to now canceled claims 39 – 43, the Examiner cites various passages in Kolev as allegedly disclosing this feature, asserting that “where the user (or subscriber) has subscribed to services of the user’s preference to allow for access to different networks.” Applicants respectfully submit that none of the cited passages disclose what is asserted by the Examiner, and furthermore, that such an assertion is irrelevant to the claimed features.

For example, the Examiner cites col. 3, lines 58 – 64 of Kolev. This passage reads as follows:

The terminal further includes an input means for receiving input from the user specifying one of said first or second networks to use for communications.

This passage says nothing about an allowed number or a blocked number, as recited in the pending claims.

As another example, the Examiner cites col.11, lines 1 – 9, which reads as follows:

Referring again to FIG. 6, after a non-emergency call request is received in the terrestrial mode at block 130, mobile terminal 60 determines whether non-Subscriber Identity Module based

subscription access exists in terrestrial mode at block 132. If such access exists, in other words, if it is determined that non-emergency access is available at block 132, the call request is processed in terrestrial mode at block 136. However, if no non-emergency access is available at block 132, the request is denied as indicated at block 134.

Again, Kolev fails to disclose user-defined permission information comprising an allowed phone number or a blocked phone number. Rather, in Kolev, a decision as to whether to allow a non-emergency call is based on whether the particular network mode in use (here, the terrestrial mode) allows non-emergency calls without a valid SIM. The user in Kolev does not decide whether a particular network mode allows or disallows certain types of calls.

The remaining cited passages also fail to disclose user-defined permission information comprising at least one of an allowed phone number or a blocked phone number. Thus, Kolev fails to disclose each and every element recited by independent claims 1, 10, 12, 21 and 29.

Claims 2-4, 9, 11, 13-15, 20, 22-24, and 46-48 depend either directly or indirectly from one of independent claims 1, 10, 12, or 21; and thus are not anticipated by Kolev for at least the same reasons. Further, each of these dependent claims separately recites subject matter not disclosed or suggested by Kolev.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-4, 9-15, 20-24, 29, 30, 34 and 39-45 under 35 U.S.C. § 102(b) as being anticipated by Kolev.

***Rejection under U.S.C. § 103(a) – Kolev and Jonsson***

Claims 6-7, 17-18 and 26-27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kolev (U.S. Patent No. 6,125,283) in view of Jonsson (U.S. Patent No. 5,915,224).

Applicant respectfully traverses this rejection, as any combination of Kolev and Jonsson fails to disclose or suggest the recited subject matter. In particular, claims 6, 7, 17, 18, 26 and 27 respectively depend from one of independent claims 1, 12 or 21, which are believed to be patentable over Kolev as noted above. Further, Jonsson fails to address the above-noted failures of Kolev. Thus, claims 6, 7, 17, 18, 26 and 27 are also non-obvious and patentably

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distinguishable over the cited prior art references.<sup>1</sup> Further, each of these claims separately recites subject matter not disclosed or suggested by any combination of the cited references.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 6-7, 17-18 and 26-27 under 35 U.S.C. § 103(a) as being unpatentable over Kolev in view of Jonsson.

### *Rejection under U.S.C. § 103(a) – Kolev, Jonsson, and Sakai*

Claims 8, 19 and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kolev in view of Jonsson in further view of U.S. Patent No. 7,010,296 to Sakai et al. (hereinafter, "Sakai").

Applicant respectfully traverses this rejection, as any combination of Kolev, Jonsson and Sakai fails to disclose or suggest the recited subject matter. In particular, claims 8, 19 and 28 respectively depend from one of independent claims 1, 12 or 21, which are believed to be patentable over Kolev and Jonsson as noted above. Further, Sakai fails to address the above-noted failures of Kolev and Jonsson. Thus, claims 8, 19 and 28 are also non-obvious and patentably distinguishable over the cited prior art references.<sup>2</sup> Further, each of these claims separately recites subject matter not disclosed or suggested by any combination of the cited references.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 8, 19 and 28 under 35 U.S.C. § 103(a) as being unpatentable over Kolev in view of Jonsson in further view of Sakai.

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<sup>1</sup> MPEP 2143.03.

<sup>2</sup> MPEP 2143.03.

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**CONCLUSION**

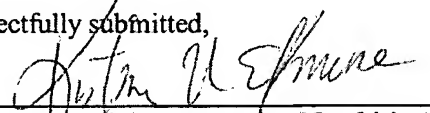
In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are respectfully requested. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Date:

02/18/2009

Respectfully submitted,

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